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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEANDRA MICHELLE SMITH,

Defendant.

Case No. 2:22-mj-642-DJA

**ORDER to
Conduct Preliminary Hearing and
File Indictment
(Fifth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Esq., Assistant Federal Public Defender, counsel for Defendant Deandra Michelle Smith that the Court vacate the Preliminary Hearing schedule for December 11, 2023, and continue it for 90 days. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of an undetained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1 1. Defendant and defense counsel need additional time to receive and review
2 discovery, conduct any necessary follow up investigation, and engage in pretrial motion
3 practice, if warranted, before the Preliminary Hearing. Also, the parties are continuing to
4 communicate to see if this matter can be resolved pre-indictment by plea negotiation. If an
5 agreement can be negotiated, the preliminary hearing could be vacated to conserve judicial
6 resources once a change of plea hearing is held.

7 2. Undersigned government counsel was only recently assigned responsibility for
8 this case and needs additional time to become familiar with it. Additionally, the government
9 needs time to review some information that may be relevant, which will not be available
10 until December 2023.

11 3. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
12 preliminary hearing within a reasonable time, but no later than 21 days after the initial
13 appearance if the defendant is not in custody”

14 4. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
15 showing of good cause—taking into account the public interest in the prompt disposition of
16 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
17 times”

18 5. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
19 information or indictment charging an individual with the commission of an offense shall be
20 filed within thirty days from the date on which such individual was arrested or served with a
21 summons in connection with such charges.”

22 6. Additionally, Defendant needs additional time to investigate potential
23 defenses to make an informed decision as to how to proceed.
24

1 7. Accordingly, the parties jointly request that the Court schedule the
2 preliminary hearing in this case no sooner than 90 days from the current hearing date,
3 December 11, 2023.

4 8. Defendant is not in custody and agrees to the extension of the 21-day deadline
5 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
6 § 3161(b), provided that the information or indictment is filed on or before the date ordered
7 pursuant to this stipulation.

8 9. The parties agree to the extension of that deadline.

9 10. Accordingly, the additional time requested by this stipulation is allowed
10 under Federal Rule of Criminal Procedure 5.1(d).

11 11. In addition, the parties stipulate and agree that the time between today and
12 the preliminary hearing is excludable in computing the time within which the defendant
13 must be indicted, and the trial herein must commence pursuant to the Speedy Trial Act, 18
14 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i)
15 and (iv).

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1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 DEANDRA MICHELLE SMITH,

7 Defendant.

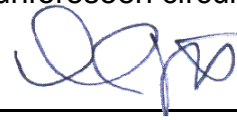
Case No. 2:22-mj-642-DJA

ORDER on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment

8 Based on the stipulation of counsel, good cause appearing, and the best interest of
9 justice being served; the time requested by this stipulation being excludable in computing
10 the time within which the defendant must be indicted and the trial herein must commence
11 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of
12 Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

13 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled
14 for December 11, 2023 be vacated and continued to March 11, 2024, at 4:00 p.m., Courtroom 3A.
15 **No further extensions will be granted absent extreme unforeseen circumstances.

DATED this 29th day of November, 2023.



16 DANIEL J. ALBREGTS
17 United States Magistrate Judge